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Attorneys for Defendant
PATREON, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BRAYDEN STARK, JUDD OOSTYEN,
ISAAC BELENKIY, VALERIE BURTON,
LAURA GOODFIELD, and DENOVIA
MACK, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

PATREON, INC.,

Defendant.

Case No. 3:22-CV-03131-JCS

**DECLARATION OF CELINE G. PURCELL IN
SUPPORT OF DEFENDANT PATREON, INC.'S
MOTION TO SEAL PORTIONS OF ITS
OPPOSITION TO PLAINTIFFS' MOTION TO
SUPPLEMENT THE SUMMARY JUDGMENT
RECORD AND PORTIONS OF THE
SUPPLEMENTARY DECLARATION OF
JASON BYTTOW**

1 I, Celine G. Purcell, declare as follows:

2 1. I am an attorney admitted to practice law in California and before this Court. I am an
3 associate at The Norton Law Firm PC and counsel of record for Defendant Patreon, Inc. I submit this
4 declaration in support of Defendant Patreon's Administrative Motion to Seal Portions of Its Opposition
5 to Plaintiffs' Motion to Supplement the Summary Judgment Record and Portions of the Supplementary
6 Declaration of Jason Byttow. Except where otherwise stated, the statements in this declaration are
7 based on my own personal knowledge and, if called to do so, I could and would testify competently to
8 them.

9 2. A party seeking to seal certain filings must demonstrate that "compelling reasons" exist
10 for the requested sealing. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006).
11 Requests for sealing must be narrowly tailored, using redactions instead of wholesale sealing where
12 possible. *See* L.R. 79-5(b).

13 3. Patreon has compelling reasons to seek the sealing of specific, redacted portions of its
14 Opposition to Plaintiffs' Motion to Supplement the Summary Judgment Record, as well as portions of
15 the Supplemental Declaration of Jason Byttow in Support of Defendant Patreon, Inc.'s Motion for
16 Summary Judgment on Plaintiffs' VPPA Claims on the Ground That the VPPA Violates the First
17 Amendment. Specifically, Patreon seeks to seal the portions of the two documents that discuss third-
18 party software Ketch. The contract between Ketch and Patreon stated:

19 16.2. Except as otherwise set forth in an Order Form, neither party will make any public
20 statement relating to this Agreement without the prior written approval of the other,
21 except that [Ketch] may include Customer's name and logo in its marketing, promotional
materials, and customer lists.

22 Because of the expedited nature of this briefing, *see* Dkt. 132, Patreon has not had time to obtain
23 Ketch's approval of Mr. Byttow's and the Opposition's references to and descriptions of Ketch.

24 4. Accordingly, Patreon moves to seal the following documents:
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26
27
28

Document	Description	Portions Filed Under Seal
Opposition	Patreon, Inc.'s Opposition to Plaintiffs' Motion to Supplement the Summary Judgement Record	p. i:10-12 p. 2:8-12, 17-18, 24-25 p. 4:23-24 p. 5:16-18 p. 6: 25-26 p. 7:28-8:1 p. 8:25-26 p. 9:2-3, 8-10, 21-28 p. 10:1-14, 17-18
Declaration	Supplemental Declaration of Jason Byttow in Support of Defendant Patreon, Inc.'s Motion for Summary Judgment on Plaintiffs' VPPA Claims on the Ground That the VPPA Violates the First Amendment	p. 1:18-20, 23-27 p. 2:1-25 p. 3:11-22

5. Patreon's request for sealing is narrowly tailored because it seeks to seal only the confidential and sensitive information about Ketch at issue, including by using redactions, rather than the sealing of entire documents. L.R. 79-5(b).

I declare under penalty of perjury and the laws of the United States that the statements in this declaration are true and correct to the best of my knowledge, and that this declaration was executed on February 29, 2024 in San Carlos, California.

/s/ Celine G. Purcell

Celine G. Purcell